

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer Technologies, Inc

v.

Civil No. 06-cv-100-JD

HemCon, Inc.

ORDER REJECTING GLOSSARY

By order dated February 4, 2010, counsel were instructed to "agree" on a glossary of patent law terminology and the basic terminology of the invention. On March 16, 2010, a joint glossary was filed which contained 54 terms and very little agreement. The glossary is rejected.

Counsel were ordered to "agree" on a glossary and the court will not mediate disagreements over these terms, petty or otherwise. The purpose of the glossary is to serve as an aide to the jurors in a highly technical case. Counsel should be very sensitive to the fact that they have an important didactic function to perform in order to present this case in a comprehensible manner to a lay jury. The court expects counsel to engage in a good faith effort to agree on a glossary. Counsel should avoid trying to define terms that are best left to jury instructions or to explanation and development by witnesses at trial, and instead counsel should focus on the "basic" terms.

Therefore, counsel are again ordered to file a glossary by 10 a.m. on April 6, 2010, containing only those terms upon which they can agree.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

April 1, 2010

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